

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL SETH FRANEY,

Defendant.

CASE NO. MJ16-5022

DETENTION ORDER

The Court, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds that no condition or combination of conditions which defendant can meet will reasonably assure the safety of any other person and the community.

This finding is based on (1) the nature and circumstances of the offenses charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the person including those set forth in 18 U.S.C. §3142(g)(3)(A)(B); and (4) the nature and seriousness of the danger release would impose to any person or the community.

1 The parties proceeded at the hearing by way of proffer and argument. The Court
2 considered the Pre-Trial Services Report, which recommended detention, as well as the
3 Complaint and Exhibit 1 provided by the Government.

4 The Government filed a Motion for Detention based on flight and safety of any other
5 person and the community.

6 FINDINGS OF FACT

7 The defendant is charged with three counts of Unlawful Possession of Firearms (Counts
8 1, 2 and 4) and two counts of Unlawful Possession of a Machinegun (Counts 3 and 5). The
9 maximum potential penalty for each of the counts is up to ten years confinement and a fine up to
10 \$250,000.

11 The Defendant's criminal history, all of which occurred in Alaska, includes convictions
12 for Assault 4th Degree, Harassment 2nd Degree, Criminal Trespass 2nd Degree and Making a
13 False Report. He received a successful 12 month deferral in December 2011 for Interfere with
14 Reporting Domestic Violence.

15 The Defendant has a protection order out of the Nineteenth Judicial Circuit Court of Lake
16 County, Illinois, filed against him regarding several minor children and an adult female which
17 expires on June 5, 2016.

18 Mr. Franey knows that he is prohibited from possessing guns.

19 The Court has limited information regarding Mr. Franey's employment or source of
20 income. Ms. Sullivan did advise the Court that Mr. Franey has earned income as a crab
21 fisherman. It appears, however, that at least during the course of this investigation that Mr.
22 Franey had very limited income and no steady employment. He resides in Montesano with a
23 female partner and their two young children. He is a U.S. Citizen. He served in the U.S. Army
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1 from October 2002 through October 2008 during which time he received training and experience
2 using a variety of firearms. Mr. Franey told an undercover agent that he “deserted” the Army.

3 Throughout the course of the investigation, as detailed in the Complaint, Mr. Franey has
4 told non-law enforcement as well as undercover agents that he desires to kill Americans , wants
5 to travel to Afghanistan or Iraq to kill American soldiers and that all non-Muslin American
6 should be killed. He is a vocal supporter of ISIL and stated that he considers himself to be an
7 ISIS soldier. He has wanted to acquire firearms such as AK-47’s, Glock handguns, M-16 and
8 AR-15 assault rifles and a Street Sweeper so he could kill Americans – including soldiers at Joint
9 Base Lewis McChord.

10 It is clear, based on Mr. Franey’s own statements and actions, that he is a serious threat to
11 the safety of others. The Court also finds that there are no conditions or combination of
12 conditions the defendant can meet that will reasonably assure the safety of any other person and
13 the community.

14 IT IS THEREFORE ORDERED:

15 (1) The Defendant shall be detained pending trial and committed to the custody of the
16 Attorney General for confinement in a correction facility separate, to the extent practicable, from
17 persons awaiting or serving sentences or being held in custody pending appeal.

18 (2) The defendant shall be afforded reasonable opportunity for private consultation with
19 counsel.

20 (3) The defendant shall on order of a court of the United States or on request of an
21 attorney for the Government, be delivered to a United States Marshal for the purpose of an
22 appearance in connection with a court proceeding.

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1 DATED this 10th day of February, 2016.

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4 Karen L. Strombom
5 United States Magistrate Judge
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